

## MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 10-18-05)

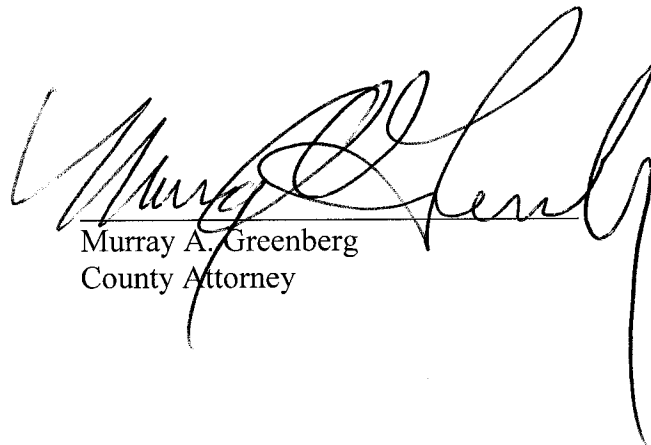
**TO:** Honorable Chairman Joe A. Martinez, and Members  
Board of County Commissioners

**DATE:** August 23, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance Relating to  
Payment of Accumulated  
Sick and Annual Leave;  
Amending Section 2-56.30  
Thru 2-56.33 of the Code of  
Miami-Dade County

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.



Murray A. Greenberg  
County Attorney

MAG/dc

# Memorandum



**Date:** October 18, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Ordinance relating to payment of accumulated sick and annual leave; amending  
Section 2-56.30 through 2-56.33 of the Code of Miami-Dade County

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This ordinance relating to payment of accumulated sick and annual leave amending section 2-56.30 through 2-56.33 will not have a fiscal impact on Miami-Dade County.

The ordinance once implemented will apply to all Public Health Trust employees making it consistent with current County policy.

A handwritten signature in black ink, written over a horizontal line that serves as a signature line.

Assistant County Manager

fiscal07505



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 18, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(B)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(B)  
10-18-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO PAYMENT OF ACCUMULATED SICK AND ANNUAL LEAVE; AMENDING SECTIONS 2-56.30 THROUGH 2-56.33 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT PROVISIONS RELATING TO FORFEITURE OF ACCUMULATED SICK AND ANNUAL LEAVE ARE APPLICABLE TO PUBLIC HEALTH TRUST OFFICERS AND EMPLOYEES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Sections 2-56.30 through 2-56.33 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**DIVISION 8.**

**PAYMENT OF ACCUMULATED  
SICK AND ANNUAL LEAVE**

**Sec. 2-56.30. Generally.**

Notwithstanding any other provision of law, any County >>or Public Health Trust<< officer or employee who separates from County >>or Public Health Trust<< service and would otherwise be entitled to payment for accumulated sick or annual leave and either:

- (a) Has been found by a court of competent jurisdiction to have committed; or

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (b) Is under investigation by any governmental entity, whether county, state or federal, for allegedly having committed while in county service an offense, whether criminal or civil, involving a breach of the public trust, shall not receive payment of such accumulated leave except as provided herein.

**Sec. 2-56.31. Offenses involving a breach of public trust.**

Offenses involving a breach of the public trust shall include, but not be limited to:

- (a) Criminal offenses of embezzlement of public funds, theft, bribery, perjury or any felony specified in F.S. ch. 838; or
- (b) Non-criminal offenses involving a breach of the officer or employee's fiduciary responsibility to the public.

**Sec. 2-56.32. Officer or employee found by court to have committed offense.**

Any county >>or Public Health Trust<< officer or employee who is found by a court of competent jurisdiction to have committed while in county >>or Public Health Trust<< service an offense involving a breach of the public trust shall forfeit all rights to payment for accumulated sick and annual leave accrued from the inception of employment.

**Sec. 2-56.33. Officer or employee under investigation of an offense.**

Any county >>or Public Health Trust<< officer or employee who is under investigation by any governmental entity, whether county, state or federal, for commission of an offense involving a breach of the public trust committed while in county service, shall have any payment of accumulated sick and annual leave to which he or she may be entitled under this division and the Leave Manual held in escrow by the county >>or Public Health Trust<< until the investigation and any subsequent judicial proceedings thereon are completed. Such accumulated sick and annual leave shall be paid to the officer or employee together with interest thereon:

- (a) Upon indication from the investigating entity that the investigation has been concluded without the filing of charges or other proceedings; or
- (b) Exoneration of the officer or employee; or
- (c) On the first year anniversary from the date payment would otherwise have been made unless there is an indication from the investigating entity that the investigation is continuing, and, if such indication is made, on each annual anniversary date thereafter.

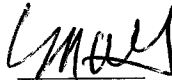
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.


Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



William X. Candela

Sponsored by Commissioner Rebeca Sosa